

ORIGINAL

Brownstein Hyatt Farber  
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## Memorandum

**Via Federal Express**

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**DATE:** November 3, 2011

**TO:** Docket Control  
Arizona Corporation Commission  
1200 W. Washington  
Phoenix, AZ 85007

**FROM:** April Robitaille, Assistant to Bradley J. Herrema

**RE:** In the Matter of the Application of Arizona-American Water Company  
Docket Nos. W-01303A-09-0343 and SW-01303A-09-0343

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Enclosed is an original and 14 copies of our **REQUEST TO EXCUSE APPEARANCE OF WITNESS**. Please conform one of the copies, and return it to us in the envelope provided. Thank you for your consideration.

Enclosures

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Arizona Corporation Commission

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BEFORE THE ARIZONA CORPORATION COMMISSION

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Commissioner

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IN THE MATTER OF THE APPLICATION  
OF ARIZONA-AMERICAN WATER  
COMPANY, AN ARIZONA  
CORPORATION, FOR A  
DETERMINATION OF THE CURRENT  
FAIR VALUE OF ITS UTILITY PLANT  
AND PROPERTY AND FOR INCREASES  
IN ITS RATES AND CHARGES BASED  
THEREON FOR UTILITY SERVICE BY ITS  
ANTHEM WATER DISTRICT AND ITS  
SUN CITY WATER DISTRICT

DOCKET NO. W-01303A-09-0343

IN THE MATTER OF THE APPLICATION  
OF ARIZONA-AMERICAN WATER  
COMPANY, AN ARIZONA  
CORPORATION, FOR A  
DETERMINATION OF THE CURRENT  
FAIR VALUE OF ITS UTILITY PLANT  
AND PROPERTY AND FOR INCREASES  
IN ITS RATES AND CHARGES BASED  
THEREON FOR UTILITY SERVICE BY ITS  
ANTHEM/AGUA FRIA WASTEWATER  
DISTRICT, ITS SUN CITY WASTEWATER  
DISTRICT AND ITS SUN CITY WEST  
WASTEWATER DISTRICT

DOCKET NO. SW-01303A-09-0343

REQUEST TO EXCUSE APPEARANCE OF WITNESS

The Anthem Golf and Country Club (the "Club") hereby requests that its witness, Desi Howe, be excused from appearance during the next phase of hearing in this matter, presently

1 scheduled to begin on November 14, 2011. The Club's sole concern in the remaining proceedings  
2 regarding the possible deconsolidation of the Anthem-Agua Fria Wastewater District is that the  
3 Effluent rate set in Commission Decision 72047 not be changed, regardless of whether the Anthem-  
4 Agua Fria Wastewater District is deconsolidated. The primary concern at issue in the next phase of  
5 hearing – whether the Anthem-Agua Fria Wastewater District should be deconsolidated – is outside  
6 the scope of the Club's participation in these proceedings and the Club's testimony did not address  
7 this issue.

8 On September 13, 2011, the Club submitted the Rebuttal Testimony of Desi Howe on behalf  
9 of the Club, in support of the positions of DMB White Tank, LLC<sup>1</sup> and Commission Staff<sup>2</sup> that,  
10 whether or not the Commission orders deconsolidation and the adoption of stand-alone rates, the  
11 Effluent Rate should remain unchanged. The testimony filed by the Anthem Community Council<sup>3</sup>  
12 RUCO<sup>4</sup>, and the Company<sup>5</sup> also supports this position and, to the Club's knowledge, no party has  
13 submitted any testimony taking the opposite position.

14 On this basis, the Club requests that its witness, Desi Howe, be excused from appearance  
15 during the November 14, 2011 hearing. Commission Staff and RUCO have agreed that, based on  
16 the common position that the Effluent rate should not be changed regardless of whether the  
17 Anthem-Agua Fria Wastewater District is deconsolidated, that Mr. Howe need not appear during  
18 the hearing. Notwithstanding this request, the Club acknowledges the hearing judge's discretion to  
19 require Mr. Howe's attendance and if Mr. Howe's attendance cannot be excused, the Club is willing  
20 to make Mr. Howe available telephonically for any questions.

21 DATED: November 3, 2011

22 Respectfully submitted,



23 By: \_\_\_\_\_  
24 Bradley J. Herrema  
25 Brownstein Hyatt Farber Schreck, LLP

26 <sup>1</sup> August 16, 2011 Direct Testimony of David Nilsen, at 3-4.

27 <sup>2</sup> See, e.g., October 11, 2011 Surrebuttal Testimony of Gerald W. Becker, at 2.

28 <sup>3</sup> August 16, 2011 Direct Testimony of Dan L. Neidlinger, at 5.

<sup>4</sup> See, e.g., August 16, 2011 Direct Testimony of Rodney L. Moore, Schedule RLM-RD1 (a), Page

<sup>5</sup> November 1, 2011 Rejoinder Testimony of Sandra L. Murrey, at 2.

**PROOF OF SERVICE**

ORIGINAL and thirteen (13) copies of the  
of the foregoing filed  
this 3rd day of November 2011 with:

Docket Control  
ARIZONA CORPORATION COMMISSION  
1200 West Washington  
Phoenix, Arizona 85007

Copy of the foregoing served,  
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Dated: November 3, 2011

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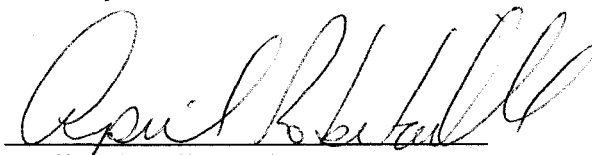
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